

NINETY-EIGHTH YEAR.

SUNDAY, MORNING, NOVEMBER 26, 1905.

PRICE FIVE CENTS.

ST. LOUIS SQUATTER MAY COME INTO LEGAL POSSESSION OF REAL ESTATE VALUED AT \$100,000 FOR WHICH HE HAS NEVER PAID A CENT

Trustees of Property Left by Charles Hardy Seek to Eject Peter McNally, a Carpenter, From Tract of Land on Olive Street, West of Grand Avenue, After He Has Held Undisputed Control for Eleven Years—Crude Workshop and a String of Billboards the Foundation Upon Which Contestants Hinge Their Arguments.



ROY A. MILLOT.
Present tenant of the land, who has been made defendant in interesting legal controversy.

A court of the United States may decide that Peter McNally, a hard-working carpenter, is entitled to possession of one of the most valuable pieces of real estate in St. Louis.

Peter McNally may, by a court's opinion, become the lawful holder of a piece of land worth more than \$100,000, although he never paid so much as one penny for this land, neither was it given or bequeathed to him.

If the courts decide in McNally's favor he will come into his land somewhat after the manner that the people in Oklahoma and other free-home districts came into theirs. McNally is a sort of a settler. In St. Louis, however, he is defined as a squatter.

The land which is involved in this most unusual of legal proceedings is situated on Olive street just west of Grand avenue. There are 263 feet fronting on Olive street. One hundred of these feet are valued at \$400 per foot. The estimated value of the balance of the property is \$300 per front foot.

The land is unoccupied save for a string of billboards in the front of it and a rudely constructed carpenter shop in the middle of it.

Upon this carpenter shop hinges McNally's chances for absolute possession of the property.

Upon these billboards hinges, in a great measure, the argument of McNally's opponents that he is not now in possession and should not be in possession.

The carpenter shack and the billboards will be weighed on the scales of the Federal Court. Not until the March term, perhaps, will it be known who is the winner in this fine legal battle.

It was in 1893, more than a half century ago, that James A. Hardy, one of the St. Louis pioneers, bought for speculative purposes a great tract of land lying west of Grand avenue and in close proximity to the present line of Olive street, although the latter had not been laid out at that time, and the land taken by Hardy was practically out in the woods, as the people were wont to call it.

The land extended beyond the present line of Olive street and the entire tract was purchased for \$500. The section now in controversy formed the beginning of the Hardy tract and the actual price of it was about \$200. Within five years its value climbed beyond the \$100,000 mark although not a single foot of it was ever improved.

James A. Hardy died in St. Louis in 1897, leaving this Olive street tract and the bulk of his property to his nephew, Charles Hardy, a former St. Louisan, who died in Philadelphia in 1901.

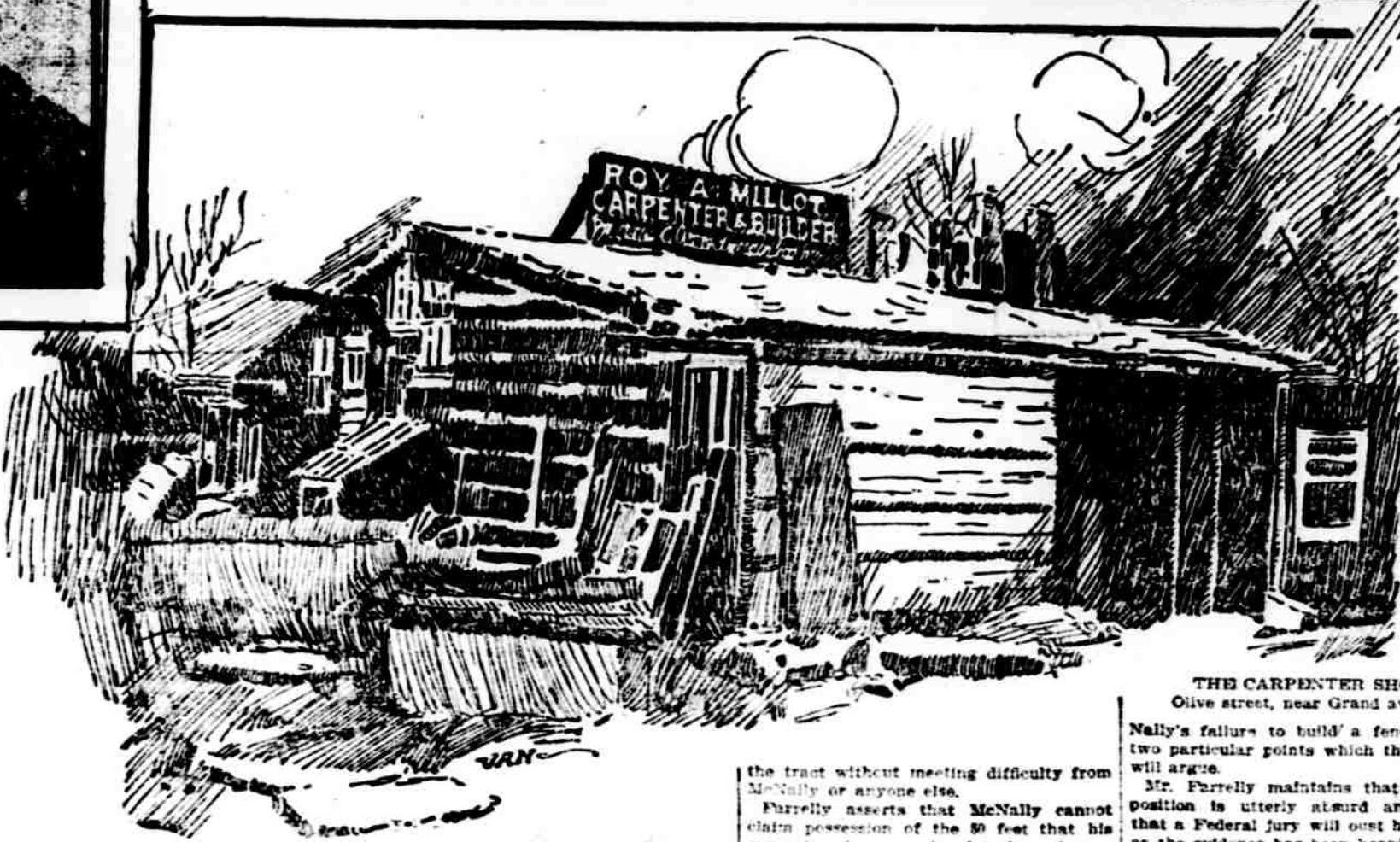
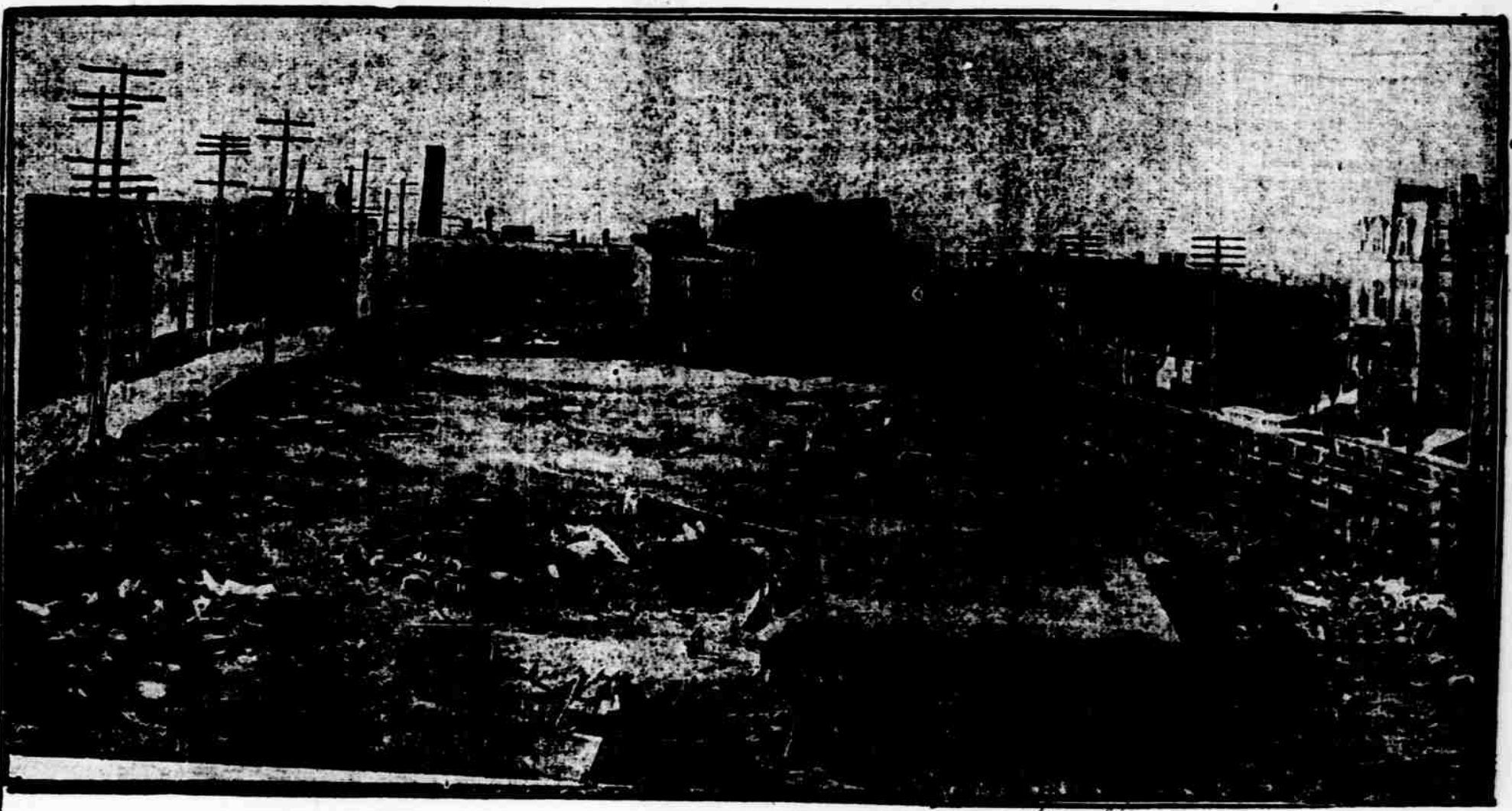
The exact provisions of the will are not clearly understood in St. Louis, but it is known that the bulk of the estate was bequeathed to several church and charitable institutions, with certain provisions which have kept the property in an uncertain state ever since.

The land on Olive street, it is understood, is to be divided between the archdiocese of St. Louis and Philadelphia.

As Hardy died before Archbishop Glendon came to St. Louis, his Grace doesn't know very much about the controversy. My understanding is," said Archbishop Glendon to The Republic, "that the land is to go to the two archdioceses named after the death of Charles Hardy's only son. I am not positive of this, but that is the understanding that I have. I have not given the matter any investigation or thought, and what I say is based on accounts I read in the newspapers at the time of Charles Hardy's death."

NEVER HEARD OF SQUATTER.
As to the squatter who has squatted on the ground, I know nothing. In fact, the present controversy is all news to me. Inasmuch as the archdiocese had to wait for someone to die before securing possession of the property, we have waited on the theory that it would not be proper for us to display any interest in the case until the son of Charles Hardy dies, an occurrence which we have no reason to look for or expect.

But the possible possession of the land by the two Catholic archdioceses is not an important point involved in the present litigation. The Hardy estate is represented by Ed-



THE CARPENTER SHOP.
Olive street, near Grand avenue.

land, using it as a stone yard. Before they had relinquished claim, Peter McNally erected his carpenter shop.

NO ONE MOLESTED HIM.
Peter McNally's carpenter shop was erected in the most central part of the property. There was no protecting fence on any side of the land when the carpenter shop was built, and McNally, a carpenter who minds his own business, continued in the even tenor of his way, unmolested himself and molesting no one.

During all the years that followed the McNally shop remained intact, no one, apparently, seeking to collect rent, and the carpenter ultimately began to feel that the property was as good as his, even if he didn't have a title recorded in his favor.

It was a year ago that Thomas F. Far-

relly, a real estate agent, representing the Hardy estate, discovered that McNally had gone to Australia and had leased his shop to Roy A. Millot. Farrelly immediately interested himself, and the ejectment proceedings followed.

McNally, in the meantime, had written to Millot, asking if he should pay a rental to the Hardy estate or its representatives, and McNally, taking the first steamer, answered Millot's letter in prison.

McNally is as silent as an oyster regarding his plans of defense. In his deposition, taken before Mr. Burkham, however, he admits that he never fenced the property, which the attorneys for the estate consider a point in their favor.

The important point argued by Farrelly is that he leased the entire Olive street front to a bill-board company, which placed boards along the entire length of

the tract without meeting difficulty from McNally or anyone else.

Farrelly asserts that McNally cannot claim possession of the 90 feet that his carpenter shop occupies, let alone the entire tract, from the mere fact that the front of his lot is hidden from the public by a billboard.

OVERLOOKED GOOD POINT.
It is said that if McNally had taken the

precaution to erect a fence around the land during the early stage of his occupation of it that he would have a fine weapon with which to combat the attacks of the avowed owners.

The laws of Missouri, as well as those of nearly every other State in the Union, provide that any man who occupies a vacant piece of ground, who builds a house upon it, who fences it and who assumes the position of owner, regardless of whether he has purchased the land or paid the taxes, has a legal standing as the owner of the land in a controversy, and as possession is nine points in the law, it requires a strenuous legal battle to oust him.

The presence of the billboards and Mc-

Nally's failure to build a fence are the two particular points which the plaintiffs will argue.

Farrelly maintains that McNally's position is utterly absurd and predicts that a Federal jury will oust him as soon as the evidence has been heard. Mr. McNally, who, by the way, has gone to work for Millot, the man to whom he leased his shop, is keeping a still tongue.

"I have nothing to say," said McNally.

"It is nobody's business."

Real estate men are watching this case with more than ordinary degree of interest, for there is more than one squatter in St. Louis. The manner in which the law operates in these cases, especially in the case of an obstinate tenant of a dwelling house, makes these ejectment battles all the harder for the rental men.

It is asserted that a man who secures occupancy of a vacant house can't be ejected in less than six months if he fights the case in the courts. One realty man says that it required a twelve months' legal battle and an expenditure of \$250 for him to get a squatter out of a certain house which was under his control.

"He borrowed the key under the pretense that he wanted to inspect the house,"

Bird's-eye view of the lot on Olive street just west of Grand avenue.

INTERESTING POINTS

IN AN ODD LEGAL BATTLE.

The land in controversy faces on Olive street for a distance of 263 feet, just west of Grand avenue, in one of the most prominent sections of St. Louis.

It was purchased fifty-five years ago by James Hardy, a St. Louis pioneer, who paid about \$2,000 for it.

It is worth to-day, roughly estimated, about \$100,000.

Peter McNally, the apparent possessor, squatted on the land eleven years ago and was never molested.

The title to the property is recorded in the name of the Hardy estate, left by the late Charles Hardy of Philadelphia, who provided that the land should go to the Catholic archdioceses of Philadelphia and St. Louis after certain provisions had been complied with.

Through the alleged inactivity of the representatives of the estate, McNally is now in a position to give a legal battle to the estate trustees who seek to wrest the land from him.

McNally failed to put a fence around the land, and has also permitted the representatives of the estate to lease portions of the property for billboard privileges.

Attorneys for the plaintiffs assert that in permitting this, McNally lost whatever claim he might have had on the property, through the lousiness of the law.

Suit of ejectment has been begun in the Federal Court, and the trial will take place about next March.

In the meantime, McNally's carpenter shop still stands on the property, and no one offers to tear it down.

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WITH CHRISTMAS ONLY FOUR WEEKS OFF EVERYBODY SAVES HIS MONEY.

Papa, Mamma, the Young Men and Maidens. Likewise the Small Fry. All Possessed of Ardent Desire to Make Presents—But Papa Usually Pays the Freight.

It is coming, coming with the velocity of a high-speed motor car. Away back in the distance St. Louis folk can already see and feel the approach and as each day passes it is beginning to dawn upon the young and old and those of middle-age that Christmas is nearing the danger point.

Christmas is scarcely a month away and this is the time of year that the young men and the young women, the boys and the girls and the fathers and mothers are beginning to ponder as to where the greatest of all holidays is going to find them.

The money, that's the thing to think about when Christmas approaches. One can see strange faces behind the counters in the shops and department stores these days. Who are they? Girls earning Christmas pin money. There are girls in St. Louis, girls ordinarily well-to-do, as the saying goes, who work one month in every year. That is the month prior to Christmas. It is all right to receive a family allowance for Christmas presents, but what a great many girls like but is to get out and earn \$5 or \$6 on



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Christmas offerings, and in another week the windows will be crammed full of thousands of novelties designed for the express purpose of tempting the generous.

The young man will begin soon to think of his best girl and what he should buy her. He will have one prime wish: What he would like to give her.

And he will have one positive conclusion: What she will get. The young man doubtless will look with watering eyes upon the solitary diamond ring in the jeweler's window and wish that he might be able to buy it for the "only girl in the world," while on the other hand the positive conclusion, based on an estimate of actual financial surplus, may result in a leather-bound copy of Tennyson's Poems.

But the young lady should admire this gallant donor of the book. He has doubtless presents to buy for his mother and his neighbors and his cousin and his aunt. He has probably suffered the humiliation of fringe on the bottom of his trousers in a brave effort to meet this Christmas crisis. Andrew Tennyson's poems are good reading, and it is the spirit of the donor rather than the gift itself that is the real issue, after all.

Economy is the watchword nowadays. The young man who is thinking of his only love is not alone in the Christmas battle. Papa must be there with the goods, also.

omy; a money-saver, in the first place, and secondly, it cultivates the taste so that the man will doubtless find himself qualified to smoke the cigars that his wife gives him for a Christmas present.

PAPA THE EAST MARK.
There is fine method in the stoic madness.

Of all the Christmas sufferers, the head of the family, above all, is more to be pitied than glorified. The head of the family is the man with the dough. He writes the checks.

The wife may be in an economic mood herself, but if she is cutting down on the ham and eggs and breakfast food, it means short rations for papa, just the same, and in the end he sees his hard-earned coin of the realm going for the gifts that Santa Claus brings.

From a married woman's standpoint, the all-important question is a suitable present for hubby. She will buy it with his money, of course, but if she loves him and is a wise wife, she must needs feel that she ought to strike a bargain for the sake of the family bank roll.

But in looking around for a present for his better half, the husband should never look for bargains. The wife, in her holiday meanderings, has seen all of them, and he is a wise man and a hypnotist who can placate the female end of the union with phony goods. Don't do it. Debt rather than family discord, any old time.

The little tin bank figures in the Christmas campaign. It is the property of little Willie and Mary, or they each may have one. The little tin banks are the receptacles for the small change which drops in the path of the young members of the family.



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Christmas is a serious game. Everyone plays it. Everyone has to play it. Christmas is one thing in this world that one can't avoid. A man who dodges his Christmas obligations must be relegated to the very rear ranks of the world's master players.

A goodly fund may be stored in the St.